

July 7, 2016

PRESENT: George A. Coyner, II, Chairman
Thomas H. Byerly, Vice Chairman
Daisy A. Brown
Steven F. Shreckhise
Justine D. Tilghman
Sandra K. Bunch, Zoning Administrator

ABSENT: John R. Wilkinson, Community Development Director & Secretary
Pat Morgan, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 7, 2016, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **CHARLES VAILES, AGENT FOR TURN KEY PROPERTIES, LC - SPECIAL USE PERMIT**
- **KARISSA OR JOSEPH HUNT - SPECIAL USE PERMIT**
- **PHILIP KHNOPP - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

Secretary

PRESENT: George A. Coyner, II, Chairman
 Thomas H. Byerly, Vice Chairman
 Daisy A. Brown
 Steven F. Shreckhise
 Justine D. Tilghman
 Pat Morgan, County Attorney
 John R. Wilkinson, Community Development Director
 Sandra K. Bunch, Zoning Administrator and Secretary
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 7, 2016, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Shreckhise moved that the minutes from the June 2, 2016, meeting be approved.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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APPOINT SECRETARY

Vice Chairman Byerly stated Sandra Bunch has been promoted to Zoning Administrator. He moved to elect Ms. Bunch as Secretary of the Board of Zoning Appeals.

Ms. Brown seconded the motion, which carried unanimously.

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**LYNN KOERNER, AGENT FOR VERTICAL BRIDGE DEVELOPMENT II, LLC -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Lynn Koerner, agent for Vertical Bridge Development II, LLC, for a Special Use Permit to erect and maintain an unmanned telecommunications facility for Augusta County Emergency Services as well as future wireless service providers, on property owned by Vernon W. Smoot Trust, Carol Hawkins, Trustee, located on the north side of Troxell Gap Road, approximately 0.2 of a mile west of the existing tower at 760 Troxell Gap Road in the Riverheads District.

Mr. Lynn Koerner stated he is the consultant for Vertical Bridge Development. He stated the County requested a RFP submittal for their emergency services. He stated Shentel has purchased Ntelos and they are planning on being one of the co-locators on this tower. He noted they are making the tower available so that other wireless carriers can co-locate. He noted if this request is approved it will help with emergency services as well as getting wireless coverage to the area.

Chairman Coyner asked if the 225' tower will be lit?

Mr. Koerner stated yes.

Chairman Coyner asked if this is a lattice type tower?

Mr. Koerner stated yes, it is a three leg tower.

Ms. Tilghman asked how many spaces are available?

Mr. Koerner stated the County and four (4) other carriers.

Ms. Brown asked what the mileage range would be for service?

Mr. Koerner stated the typical wireless coverage could be three (3) to four (4) miles depending on the terrain.

Chairman Coyner asked how soon will the tower be completed?

Mr. Koerner stated as soon as they get their site plan approved. He hoped for construction to be under way in the early 4th quarter.

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Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. George Condyles, President of Atlantic Technology Consultants, stated he is the County's consultant on tower requests. He stated this request is in response to a RFP from the County. He noted in his report he evaluated the other towers in the area and they were all eliminated based on the height and the structural integrity of the existing towers. He stated with this tower the County will be able to tie into other public safety systems. He noted this request does meet the coverage components as well as the Zoning Ordinance requirements on setbacks. He has evaluated the NEPA report and there are no environmental or historical issues. He stated this tower will enhance public safety and bring wireless broadband from four (4) potential providers.

Ms. Brown asked if the height of the 225' tower is due to the microwave?

Mr. Condyles stated it is due to the public safety requirements for the tower. He stated with Fire and Rescue there needs to be greater coverage for the personnel transmitting the signal. He stated this tower will also enhance the tower that Rockbridge County uses. He stated they will have a unified radio system with both of these towers. He stated this is a win-win situation for public safety, the citizens, and wireless carriers.

There being no one else to speak regarding the request, Chairman Coyner declared the public hearing closed. He stated the County has needed this for quite some time and the consultant speaks well on this proposal.

Mr. Shreckhise moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance.

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Operating Conditions:

1. Be permitted to construct a two hundred twenty-five (225') foot self-supported/lattice style telecommunications tower, with a four (4') foot lightning rod.
2. Tower design will allow a minimum of four (4) co-locators.
3. No additional landscaping or buffering is required.
4. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.
5. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.

Ms. Tilghman seconded the motion, which carried unanimously.

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CHARLES VAILES, AGENT FOR TURN KEY PROPERTIES, LC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Vailes, agent for Turn Key Properties, LC, for a Special Use Permit to have a day care center for adults and children on property it owns, located at 88 Ivy Ridge Lane, Fishersville in the South River District.

Mr. Charles Vailes stated the property is zoned General Industrial. He stated they would like to operate an adult day care.

Chairman Coyner asked if this was their office building previously?

Mr. Vailes stated yes but it is vacant now.

Chairman Coyner asked if the applicant has a tenant in mind?

Mr. Vailes stated they are working with DePaul Community Resources.

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Chairman Coyner asked if they would operate during the day?

Mr. Vailes stated they would operate 8:00 a.m. until 5:30 p.m. Monday – Friday. He noted there would be some occasional special events in the evenings but no overnight stays. He said they are looking at sprinklers and another exit for the facility.

Chairman Coyner asked if they would have a fenced in area?

Mr. Vailes stated they are planning on having a garden area and it will be fenced in for the safety of their prospects.

Ms. Brown asked how many exits are there in the building?

Mr. Vailes stated currently there are two (2) exits.

Ms. Brown asked if the basement would be used?

Mr. Vailes stated no. He said that would be only for an emergency exit if necessary. He noted the basement is currently occupied by another tenant via satellite.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Gary Wilburn, Vice President for Development Disabilities, with DePaul Community Resources stated they would like to be the tenant and occupy the site in order to operate their day support programs that are a sponsored residential program for intellectual disabled adults and delayed adults. He stated there will be a maximum of twenty-five (25) individuals into the day support program.

Chairman Coyner asked about the garden area?

Mr. Wilburn stated this is a good location. He stated they would like to have a garden or yard area for their adults. He stated the garden area will be fenced. He stated they will operate either 8:00 a.m. to 5:00 p.m. or 5:30 p.m. He stated there will be no one there after hours except for staff working and the occasional special events in the evening. He stated they have another location in Harrisonburg. He plans on moving the Waynesboro location to this property in the County.

Chairman Coyner asked what the ratio is between staff and clients?

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Mr. Wilburn stated the minimum is one (1) staff for every six (6) clients but they will have a ratio of two (2) staff to six (6) clients for day support. He said out in the community they may have a ratio of one (1) staff to three (3) clients based on the abilities/disabilities of their clients.

Chairman Coyner asked if they serve Waynesboro, Staunton, and Augusta County?

Mr. Wilburn stated yes, Rockingham County too.

Chairman Coyner asked about transportation?

Mr. Wilburn stated the clients use their families, care providers, and Virginia Medical Transportation or Medicaid Transportation.

Chairman Coyner asked if their clients come to the site every day?

Mr. Wilburn stated some clients come five (5) days a week but others less. He stated it is their personal choice. He said the average attendance daily is about 21-23 individuals.

Chairman Coyner asked if the applicant has had experience with this type of business?

Mr. Wilburn stated they have served individuals with disabilities since 1990. He has been in Waynesboro for about 10-12 years.

Vice Chairman Byerly asked if twenty-five (25) clients would be the capacity for the size of the facility?

Mr. Wilburn stated yes it is for this location. He stated the Fire Marshall may give them another number once they visit the site.

Chairman Coyner asked who are they governed by?

Mr. Wilburn stated they are licensed by the Virginia Department of Social Services and Behavioral Health and Development Services. He stated 99% of their clients are adults. He stated they have announced inspections once a year and they could have an unannounced visit anytime.

Chairman Coyner asked how many bathrooms are there in the facility?

Mr. Wilburn stated there are four (4) restrooms in the building.

Ms. Brown asked where would the children be in the facility?

Mr. Wilburn stated they will not serve children. He stated the back half of the building will be for activities only on special event days.

Ms. Tilghman asked how would their clients qualify for this type of service?

Mr. Wilburn stated they need to meet certain criteria to qualify through the Medicaid program and the Valley Community Services Board.

Ms. Tilghman asked where do the majority of their clients come from?

Mr. Wilburn stated their clients come from either their biological homes, adult foster care, or group homes.

Chairman Coyner asked how long would it take for the renovations to be completed?

Mr. Wilburn stated it would take about four (4) to six (6) months.

Ms. Brown asked how many handicapped spaces are there in the parking lot?

Mr. Wilburn stated there are four (4) to five (5) existing spaces at the site.

Chairman Coyner asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site and it is a nice piece of property. He stated this would be a good way to utilize the building and the garden area will be fenced.

Vice Chairman Byerly moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit updated BZA sketch showing designated garden and fenced areas.
2. Applicant obtain building permit and provide a copy to Community Development.
3. Obtain letter of approval from Building Inspection.

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- 4. Obtain letter of approval from the Augusta County Service Authority.

Operating Conditions:

- 1. Provide a copy of the license from the Department of Social Services.
- 2. Be limited to a maximum of twenty-five (25) children or adults.
- 3. Hours of operation be 8:30 a.m. to 5:00 p.m. Monday – Friday, with occasional weekend and evening activities.
- 4. Applicants construct and maintain a chain-link fence around the garden area within two (2) weeks of completion.

Ms. Brown seconded the motion, which carried unanimously.

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KARISSA OR JOSEPH HUNT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Karissa or Joseph Hunt, for a Special Use Permit to have weddings, special events, and a tourist home on property owned by Rolland E. or Patricia S. Hunter, located at 205 Old Mountain Road, Mt. Solon in the North River District.

Ms. Karissa Hunt stated she would like to host weddings and special events and rent the existing home to guests attending the events.

Chairman Coyner asked if anyone would be living in the home?

Ms. Hunt stated no except when it is rented out to guests.

Chairman Coyner stated the Board visited the site this morning. He asked if the applicant plans on shuttling the guests?

Ms. Hunt stated yes or a valet service. She said guests will not walk up the hill.

Chairman Coyner asked if there will be tents rented for the events?

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Ms. Hunt stated yes during the weekend of the event. She will have the tent in front of the home.

Ms. Brown asked if all of the vehicles will be parked at the entrance?

Ms. Hunt stated yes.

Chairman Coyner asked if they will add additional gravel to the parking area?

Ms. Hunt stated yes. She plans on adding 7,000 square feet of gravel.

Chairman Coyner stated one of the applicants will need to be present during the events.

Ms. Hunt stated yes.

Chairman Coyner stated the Board prefers to have permanent restroom facilities within two (2) years. He stated the Board can allow the use of porta-potties in the first year but after that permanent facilities will need to be added.

Ms. Hunt asked for at least two (2) years to install permanent facilities.

Chairman Coyner asked how many attendees would there be?

Ms. Hunt stated a maximum of two hundred (200) attendees at an event.

Chairman Coyner asked how many events would there be?

Ms. Hunt stated she would like to have events every weekend.

Chairman Coyner asked if the applicants have spoken with the neighbors?

Ms. Hunt stated yes. She has not heard anything from the neighbors regarding the request. She would like to market this site in conjunction with the vineyards in the area as well as have a website.

Chairman Coyner asked if she had experience with this type of business?

Ms. Hunt stated no.

Ms. Brown asked when would guests stay in the home?

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Ms. Hunt stated Friday and Saturday night.

Chairman Coyner asked when would the events take place?

Ms. Hunt stated she would have them year round except during the winter months.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated this is a nice rural setting.

Mr. Shreckhise stated the Board should modify staff's recommended condition #3 to include four (4) per month. He also suggested changing condition #6 to allow attendees to be off of the property by 11:30 p.m.

Vice Chairman Byerly moved that the request be approved with the following conditions:

Pre-Condition:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Applicant will install a sewage disposal system approved by the Health Department within two (2) years.
2. Be permitted to operate for two (2) years using a portable restroom trailer or porta-pottie.
3. Be limited to twenty-four (24) events per year but no more than four (4) per month, and only one (1) event per weekend.
4. Be limited to a maximum of two hundred (200) people or less per event.
5. No amplified music after 10:00 p.m.
6. Events to cease by 11:00 p.m. and all persons off the property by 11:30 p.m. with the exception of those attendees leasing the home.

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7. One of the applicants must be onsite during events.
8. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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PHILIP KHNOPP - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Philip Khnopp, for a Special Use Permit to have weddings, birthday parties, reunions or similar social functions, and to have guided nature walks on property owned by Trustees James M. and Jayne Ann L. Knopp, located at 603 Green Hill Lane, Churchville in the Pastures District.

Mr. Philip Khnopp stated that he is applying for a Special Use Permit in order to have small gatherings at the site. He stated any profits that he would receive, he would invest in the landscape and the exterior of the house. He would like to have sixty (60) people in attendance. He has hosted two (2) weddings at the site prior. He would also like to have prayer and meditation events five (5) to six (6) times a year.

Chairman Coyner asked how long has his family owned this property?

Mr. Khnopp stated since 1963. He stated they lease the land to farmers and hunters. He stated the events would be very quiet.

Ms. Tilghman asked where would the parking be?

Mr. Khnopp stated the parking will be in the grassy field. He will advertise by a website.

Chairman Coyner asked about the plans for restroom facilities?

Mr. Khnopp stated he plans on renting porta-potties and maybe in two (2) years he hoped to have enough money for permanent bathroom facilities.

Vice Chairman Byerly asked what is the age of the main house?

Mr. Khnopp stated 1739. He noted the cemetery is historical.

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Ms. Brown asked if there is well water and a septic at the site?

Mr. Khnopp stated yes. He said during events they will rent porta-potties.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Janet Buchanan from Colonial Heights stated she is the Trustee for the Quick property and she did not view the permit application ahead of time. She has some concerns because this is a quiet place. She stated her family did not receive any notification on this request. She does love the family farm. She stated they have had bonfires, gatherings along the river, and she has heard the beating of drums. She does have concerns of the nature of the events due to the way it has been handled previously. She stated someone has placed hunting cameras on their property.

Ms. Bunch stated only adjacent property owners are notified.

Chairman Coyner asked if there was anyone else wishing to speak in favor, or in opposition?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Khnopp stated the events he has are quiet. He stated they have had Native American ceremonies at the property. He stated these are healing ceremonies and are not dangerous. He stated these are small special gatherings and this is a good site for prayers.

Chairman Coyner declared the public hearing closed. He stated the Board viewed the site this morning. He stated this is a nice place and it appears that the applicant is working on maintaining it.

Ms. Tilghman stated she does not have a problem with this but since there were concerns expressed with the request she would like to add to the conditions that the permit be reviewed in a year to be sure the applicant is operating appropriately. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Be limited to eighteen (18) events per year but no more than two (2) per month, and only one (1) event per weekend.
2. Hours of operation be 8:00 a.m. to 11:00 p.m.
3. No outdoor music after 10:00 p.m.
4. Applicants be permitted to operate for two (2) years using porta-potties or restroom trailers.
5. Applicants will install a sewage disposal system approved by the Health Department within two (2) years.
6. Permit be reviewed in a year and renewed if all of the conditions are met.

Vice Chairman Byerly stated this is a great opportunity for the applicant to have events on his property. He seconded the motion, which carried unanimously.

Mr. Shreckhise stated the applicant should be a good neighbor and let the hunters know that they should not hunt on other properties.

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Mr. Morgan discussed the court cases with the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairman

Secretary